

REMARKS

Claims 2-22 and 24-44 are pending in the application.

Claims 2-22 and 24-44 have been rejected.

Claims 2 and 24 have been amended.

Double Patenting

Claims 2-22 and 24-44 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 7,287,041. The Office Action posits that, although the conflicting claims are not identical, these claims are not patentably distinct from corresponding ones thereof. While not conceding to the validity of this rejection, Applicant respectfully submits that this rejection has been overcome by a Terminal Disclaimer filed on October 14, 2008.

Rejection of Claims under 35 U.S.C. §112

Claims 2-22 and 24-44 stand rejected under 35 U.S.C. §112, second paragraph, as purportedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action states that the basis of this rejection is that it is purportedly unclear as to the definition of claim elements “common objects” and “common data type elements.” Applicants respectfully submit that the amendments to independent Claims 2 and 24 address this rejection. Support for these amendments can be found at least at paragraphs [0031] and [0043] of the originally-filed Application. Applicants therefore respectfully request the Examiner’s reconsideration and withdrawal of the rejections to these claims and a indication of the allowability of same.

Rejection of Claims under 35 U.S.C. §102

Claims 2 and 24 stand rejected under 35 U.S.C. §102(e) as purportedly being anticipated by U.S. Patent No. 6,947,947 issued to Block et al. (“Block”). Applicants respectfully traverse this rejection.

Applicants respectfully submit that the rejections to the claims as presented in the present Final Office Action fail to address some of the amendments presented in the previous Response to Office Action. In particular, the Final Office Action provides no citation in Block that is purported to disclose or address the claimed second format being distinct from the first format. Further, the Final Office Action fails to provide any resolution to the issue raised by the previous Response that the cited sections of Block fail to provide any disclosure of the claimed “storing the first data and the second data in an intermediate format.” The Final Office Action provides no substantive response at all to the discussions raised by the previous Response.

As an initial matter, Applicants respectfully submit that the particular parts of the cited references that the Examiner has relied upon have not been designated as nearly as practicable, and the pertinence of each reference has not been clearly explained, both as required by 37 C.F.R. § 1.104(c)(2). Nevertheless, Applicants have made every effort to respond to the rejections outlined in the Office Action.

As purported disclosure of the “receiving first data in a first format from a first source system” and “receiving second data in a second format from a second source system” limitations, the Office Action cites to the following section of Block:

In accordance with an embodiment of the invention, data output from a first computer platform or system can be automatically converted by a software

module on the first platform, from a first format into an intermediate format, transferred to a second platform or system, and then converted from the intermediate format into a second format by a second software module on the second platform.

Block 4:23-28 (cited by Office Action, p.5). Applicants respectfully submit that this section of Block fails to provide disclosure of the limitations for which it is cited. The cited section of Block provides for data output from a first computer to be converted from a first format to an intermediate format on the first computer platform and then transferred to a second platform. Such a conversion and then transmission is clearly not the claimed action of receiving.

If the Office Action is referring to Block's receiving of the intermediate format as being comparable to the claimed "receiving" of the first and second data in first and second formats, respectively, then Applicants submit that the cited section fails to provide disclosure of the limitation "wherein the second format is distinct from the first format." Block provides a conversion to an intermediate format at the sending node so that "data can be transparently exchanged between the two platforms regardless of whether the first and second formats are compatible or known to each of the two platforms." *See* Block 4:30-33. Block therefore explicitly avoids transmitting different formats. Thus, if two different nodes were sending data to Block's "second platform," both nodes would be sending data in the same intermediate format and the second node would receive data in the same format from both nodes. This is not the case in the claims.

Further, Applicants respectfully submit that the cited section of Block fails to provide disclosure of the claimed "storing the first data and the second data in an intermediate format." The Office Action cites to the following section of Block as purported disclosure of the "storing" limitation:

The transformation programs on the provider and receiver machines can be identical and both capable of receiving, transferring and mapping data, or can have different capabilities. For example, the transformation programs can be configured to handle an intermediate format so that the transformation program at the information provider would map the data to an intermediate format, and transfer the data in the intermediate format to the transformation program on the receiver machine.

Block 6:45-52 (cited at Office Action, p.5). Applicants submit that the cited section provides no disclosure of storing of any kind. Instead, the cited section merely relates to use of an intermediate format for transfer of data and then to be transformed on a receiving machine.

In addition, the cited section of Block fails to provide disclosure of the common data type element provided in the amended independent claims. The Office Action cites to a mapped file structure as purportedly corresponding to the common data type element. *See* Office Action, p.5 (citing Block Fig. 1). While Block Figure 1 indicates that Block's identified data is mapped "to at least one of a file structure, a schema, and a taxonomy" (Block Fig. 1 [elem. 154]), there is no disclosure of the structure of Block's file structure, schema or taxonomy. Further, there is no specificity disclosed of an "intermediate format compris[ing] a schema defining a plurality of data type elements accessible by each of the plurality of common objects ..., each common data type element is a reusable data structure that can be referenced by other intermediate data structures." In fact, the cited sections provide no disclosure at all of a structure associated with either the mapped file or XML taxonomy referenced by the Office Action. *See* Office Action, p.5.

For at least these reasons, Applicants submit that the cited sections of Block fail to provide disclosure of all the limitations of independent Claims 2 and 24, as amended, and all claims depending therefrom and that these claims are in condition for allowance. Applicants

therefore respectfully request the Examiner's reconsideration and withdrawal of the final rejections to these claims and an indication of the allowability of same.

Rejection of Claims under 35 U.S.C. § 103

Claims 3-22 and 25-44 stand rejected under 35 U.S.C. § 103(a) as purportedly being unpatentable over Block in view of U.S. Patent No. 7,124,112 issued to Guyan et al. ("Guyan"). Applicants respectfully traverse these rejections.

In order for a claim to be rendered invalid under 35 U.S.C. § 103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. § 103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

Applicants respectfully submit that the cited references, alone or in combination, fail to provide disclosure of all the limitations of dependent Claims 3-22 and 25-44. As an initial matter, for the reasons discussed above, Block fails to provide disclosure of all the limitations of the independent claims from which the present claims depend. Since the Office Action does not cite to Guyan as providing this missing disclosure, the combination of Block with Guyan cannot be said to disclose all the limitations of the independent claims either. Since all the limitations of the independent claims are not disclosed by the combination, neither can all the limitations of the dependent claims be disclosed.

In addition, the Office Action states that dependent Claims 3 and 25 are purportedly disclosed by Guyan's "payment card type element." *See* Office Action, p.6 (citing Guyan 11:24-31). But neither dependent Claim 3 nor dependent Claim 25, as currently presented, include a limitation directed toward a "payment card type element," as suggested by the Office Action. Indeed, such a limitation was removed from those claims by amendment in a response to Office Action filed on October 31, 2007.

Since the Office Action makes no claims that either Guyan or Block provide disclosure of any other limitation of dependent Claims 3 and 25, Applicants respectfully submit that these dependent claims, and all claims depending therefrom (Claims 4-22 and 26-44), are in condition for allowance. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

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